UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,524	04/17/2001	Marco A. DeMello	MSFT-0260/158416.2	6581

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EXAMINER
AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/836,524	DEMELLO ET AL.
	Examiner	Art Unit
	Charlie C. Agwumezie	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _04/17/01_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-23_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _08/01/03_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-13 and 19-20, are rejected under 35 U.S.C. 102(e) as being

anticipated by Reed et al U.S. Patent 6,088,717.

1.   As per **claim 1 and 6, 7**, Reed et al discloses a method of facilitating commerce

over a communications network comprising:

generating data indicative of a web site (figs. 2, 19 and 20; col. 14, lines 61-67+);

generating a signature of said data using a private key (fig. 32B; col. 109,

lines18-30);

providing said data and said signature to a plurality of computing devices (fig.

32C; col. 109, lines 25-31, 33-40);

providing to said plurality of computing devices a public key corresponding to

said private key(col. 109, lines 25-31); and

providing to said plurality of computing devices a set of computer-executable

instructions which performs acts comprising:

determining the authenticity of said data against said signature (col. 109, lines

40-50); and

displaying a link to said web site upon a determination that said data is authentic

(col. 109, lines 55-57; col. 149, lines 35-39; col. 154, lines 37-40).

2.   As per **claim 2 and 8**, Reed et al further discloses the method of facilitating

commerce, wherein said web site vends a content item, and wherein said computer-

executable instructions perform acts further comprising rendering said content item (see

figs. 20, 30 and 34; col. 114, lines 65+; col. 115, lines 1-10, 15-25).

3.   As per **claim 3**, Reed et al further discloses the method of facilitating commerce,

wherein the act of providing said public key comprises including said public key in-line in

said computer-executable instructions (see figs. 33A and 33B; col. 51, lines 20-25, 45-

55).

4.   As per **claim 4**, Reed et al further discloses the method of facilitating commerce,

further comprising the act of restricting access to said private key (col. 51, lines 34-40).

5.   As per **claim 5**, Reed et al further discloses the method of facilitating commerce,

wherein the act of providing said computer-executable instructions comprises

downloading said computer-executable instructions to said plurality of computing

devices using a computer network (col. 61, lines 33-37; col. 77, lines 22-35, 50-59).

6.   As per **claim 9**, Reed et al discloses the system, further comprising a

module that navigates to the web site (figs. 21, 26 and 47).

7. ·   As per **claim 10**, Reed et al further discloses the system, wherein the signature

comprises a hash of said data (col. 109, lines 23-28, 49-52).

8.   As per **claim 12**, Reed et al further discloses the system, wherein said

authentication module uses a public key to verify the authenticity of said signature, said

signature being based on a private key corresponding to said public key (col. 109, lines

18-31, 40-50).

9.   As per **claim 13**, Reed et al discloses a method of providing access to web sites

·comprising:

        creating a list of web sites (fig. 1 and 30; col. 3, lines 65+; col. 4, lines 4, lines 29-

36); providing, to a plurality of computing devices, computer-executable instructions

which access said web sites (fig. 1; col. 4, lines 29-36). Limiting access to said web

sites by performing acts which include:

        generating signatures for one or more of the web sites on said list using a key

(col. 51, lines 27-39); and

        restricting access to said key (col. 51, lines 34-36); wherein said computer-

executable instructions include instructions which authenticate said signatures and

which deny access to a web site on said list whose signature fails to authenticate(col.

109, lines 52-57).

10.   As per **claim 19**, Reed further disclose the method, further comprising

establishing a contract with owners of said web sites (fig. 18; col. 23, lines 3-15).

11.   As per **claim 20**, Reed further discloses the method, wherein said key comprises

a private key and wherein said computer-executable instructions use a public key

corresponding to said private key to authenticate said signatures (col. 109, lines 18-31,

40-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11, is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et

al U.S. Patent 6,088,717 in view of McFadzean et al, U.S. Patent Application

Publication 2001/037302.

12. As per **claim 11**, Reed et al failed to explicitly disclose the system, wherein said memory location comprises one or more registry keys.

McFadzean et al discloses the system, wherein said memory location comprises one or more registry keys (0018, 0019).

Claims 14-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al U.S. Patent 6,088,717 in view of Fransdonk U.S. Patent Application Publication 2003/0165241.

13. As per **claim 14**, Reed et al, failed to explicitly disclose the method wherein said web site distributes digital content items renderable by said computing devices.

Fransdonk discloses the method wherein said web site distributes digital content items renderable by said computing devices (fig. 1, 0009, 0022).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein the web site distributes a content item as taught by Fransdonk in order to make distribution economically viable.

14. As per **claim 15**, Reed et al failed to explicitly disclose the method, wherein said digital content items comprises text.

Fransdonk discloses the method, wherein said digital content items comprises text (0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein product distributed include text as taught by Fransdonk in order to ensure that all applicable data format is available for download.

15.   As per **claim 16**, Reed et failed to explicitly disclose the method, wherein said digital content items comprises audio.

Fransdonk discloses the method, wherein said digital content items comprises audio (0013, 0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein product distributed include text as taught by Fransdonk in order to ensure that all applicable data format is available for download.

16.   As per **claim 17**, Reed et al failed to explicitly disclose the method, wherein said digital content items comprises video.

Fransdonk discloses the method, wherein said digital content items comprises video (0009, 0013, 0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein product distributed include text as taught by Fransdonk in order to ensure that all applicable data format is available for download.

17.   As per **claim 18**, Reed et al further discloses the method, wherein said digital

content items comprises software.

Fransdonk discloses the method, wherein said digital content items comprises

software (0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Reed et al and incorporate the system

wherein product distributed include text as taught by Fransdonk in order to ensure that

all applicable data format is available for download.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Perkowski U.S. Patent 6,064,979 in view of Reed et al U.S. Patent 6,088,717.

18.   As per **claim 21**, Perkowski discloses a computer memory which stores a data

structure produced by acts comprising:

accessing a list which includes a plurality of web sites each of said web sites

having a corresponding signature (fig. 2A1, col. 6, lines 26-47, col. 3, lines 44-54);

Perkowski however failed to disclose determining the authenticity of each web site on

said list against its corresponding signature; including in said data structure a first set of

said web sites which are determined to be authentic against their respective signatures;

and excluding from said data structure a second set of said web sites which fail to

authenticate against their respective signatures.

Reed et al discloses determining the authenticity of each web site on said list against its corresponding signature; including in said data structure a first set of said web sites which are determined to be authentic against their respective signatures; and excluding from said data structure a second set of said web sites which fail to authenticate against their respective signatures (col. 36, lines 42-52; col. 109, lines 40-50, 55-57; col. 149, lines 35-39; col. 154, lines 37-40).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Perkowski and incorporate the system capable of determining the authenticity of each web site against corresponding signature... as taught by Reed et al in order further protect the associated contents upon access.

19.   As per **claim 22**, Perkowski further discloses the data structure, wherein said data structure includes a universal record locator for each web site in said first set (fig. 2A1; col. 3, lines 45-54)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski U.S. Patent 6,064,979 in view of Reed et al U.S. Patent 6,088,717 as applied to claim 21 above, and further in view of McFadzean et al U.S. Patent Application Publication 2001/0037302.

20.   As per **claim 23**, both Perkowski and Reed et al failed to explicitly disclose the

data structure, wherein said accessing act comprises accessing a set of registry keys.

McFadzean et al discloses the data structure, wherein said accessing act

comprises accessing a set of registry keys (0018, 0019).

Accordingly it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Perkowski and incorporate the system

wherein said accessing act comprises accessing a set of registry keys as taught by

McFadzean et al in order further ensure reliability.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The cited reference to Perkowski et al U.S. Patent Application

Publication 2005/0010475 is document considered relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles C. Agwumezie whose number is (703) 305-

0586. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.
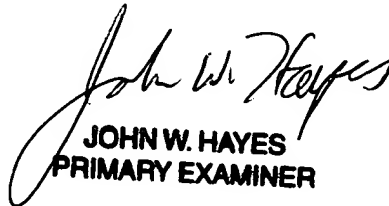
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on (703) 305 – 9768. The fax phone

number for the organization where the application or proceeding is assigned is (703)

305-7687.

Information regarding the status of an application may be obtained from the

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have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll free).

acc
January 31, 2005

JOHN W. HAYES
PRIMARY EXAMINER